

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GILEAD SCIENCES, INC.,

**DEFENDANT'S FIRST SET
OF INTERROGATORIES**

Plaintiff,

-against

Case No. 08-CV-0566(DLC)(GWG)

ABRAHAM T. MORRISON,

Defendant.

X-----X

PLEASE TAKE NOTICE that pursuant to Rule 26 and 33 of the Federal Rules of Civil Procedure and Rules 5.1, 26.3 and 33.1 of the Local Civil Rules of the United States District Courts, Southern and Eastern Districts, defendant, Abraham T. Morrison, hereby demands that plaintiff, Gilead Sciences, Inc., provide answers, under oath, to the following interrogatories, within 20 days of service hereof, at the offices of Leavitt, Kerson & Duane, 118-35 Queens Blvd., Suite 1205, Forest Hills, NY 11375

DEFINITIONS AND INSTRUCTIONS

1. "Gilead Sciences means the plaintiff in this action.
2. "Mr. Morrison means the defendant in this action.
3. "Clinical trial" means the clinical trial entitled "Study GS-93-301, A Phase I/II Study of the Safety and and Efficacy of Topical Cidofovir (HPMPC) in the Treatment of Refractory Mucocutaneous Herpes Simplex Disease in Patients with AIDS" in which Mr. Morrison participated at the Mt. Sinai Medical Center.
4. Unless otherwise noted, the time period applicable to these interrogatories is January 1, 1994 to present.
5. The directives set forth in Rule 33 of the Federal Rules of Civil Procedure, the definitions

set forth in Rule 26.3 and the directives set forth in Rule 33.1 of the Local Civil Rules, are incorporated herein by reference and are made a part hereof.

INTERROGATORIES

1. State the date on which Gilead Sciences engaged Mr. Morrison's services for the "Clinical trial".

2. State the date on which Gilead Sciences terminated Mr. Morrison's participation in the "Clinical trial".

3. State the names of every doctor and/or medical personnel that provided services to Mr. Morrison during the time of and in connection with the clinical trial.

4. List any and all medications administered to Mr. Morrison by Gilead Sciences and/or doctors and/or medical personnel and agents and employees acting on behalf of Gilead Sciences during the course of the clinical trial.

5. List all tests performed on Mr. Morrison by Gilead Sciences and/or doctors, medical personnel and employees or agents of Gilead at the inception, during the course of, and upon the completion of the "Clinical trial" in question.

6. State the names and addresses of all individuals that participated in administering the clinical study in question.

Defendant reserves the right to amend said First Set of Interrogatories at a later time.

Dated: August 22, 2008
Forest Hills, NY

PAUL E. KERSON
Leavitt, Kerson & Duane
Attorneys for Defendant
118-35 Queens Blvd., Suite 1205
Forest Hills, NY 11375
(718) 793-8822

To: Carmine J. Castellano, Esq.
Bainton McCarthy LLC
Attorneys for Plaintiff
26 Broadway, Suite 2400
New York, NY 10004-1840
(212) 480-3500

STATE OF NEW YORK, COUNTY OF QUEENS

ss.:

STACEY SHOWALTER, being duly sworn says: I am not a party to the action, am over 18 years of age and reside at Queens County.

On August 22, 2008, I served a true copy of the annexed DEFENDANT'S FIRST SET OF INTERROGATORIES in the following manner:

- ☐ **Service By Mail** By mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:
- ☐ **Personal Service on Individual** By delivering the same personally to the persons and at the addresses indicated below:
- ☐ **Service by Electronic Means** By transmitting the same to the attorney by electronic means to the telephone number or other station or other limitation designated by the attorney for that purpose. In doing so I received a signal from the equipment of the attorney indicating that the transmission was received, and mailed a copy of same to that attorney, in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:
- ☐ **Overnight Delivery Service** By depositing the same with an overnight delivery service in a wrapper properly addressed. Said delivery was made prior to the latest time designated by the overnight delivery service for overnight delivery. The address and delivery service are indicated below:

Carmine J. Castellano, Esq.
Bainton McCarthy LLC
Attorneys for Plaintiff
26 Broadway, Suite 2400
New York, NY 10004-1840

Sworn to before me on August 22, 2008

s/Paul E. Kerson
Notary Public

s/Stacey Showalter.
STACEY SHOWALTER

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Attorneys for Defendant
118-35 Queens Boulevard
Suite 1205
Forest Hills, New York 11375
(718) 793-8822
Fax (718) 261-5013

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certified that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated:

Signature:.....

Print Signer's Name

Service of a copy of the within

is hereby admitted.

Dated:

.....

Attorney(s) for

Dated:

LEAVITT, KERSON & DUANE

Attorneys for Defendant
118-35 Queens Blvd., #1205
Forest Hills, NY 11375
(718) 793-8822

